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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yang et al.

Serial No.: 09/922,536

Filed: August 3, 2001

For: **Self-Aligned Gate Formation Using
Polysilicon Polish with Peripheral
Protective Layer**

Art Unit: 2818

Examiner: Unknown

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JUN 24 2004

OFFICE OF PETITIONS

PETITION TO REVIVE UNDER 37 CFR §1.137(b)

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Petition to Revive is filed under 37 CFR §1.137(b) due to abandonment of the above-referenced patent application for failure to file a timely reply to the Notice to File Corrected Application Papers dated September 13, 2001. For the reasons that follow, Applicant respectfully submits that the above-referenced application was unintentionally abandoned, and that all requirements of 37 CFR §1.137(b) have been met, and that this petition should be granted.

06/23/2004 AWONDAF1 00000067 09922536

01 FC:1453

1330.00 OP

37 CFR §1.137(b)(1):

Accompanying this petition is a copy of the Notice to File Corrected Application Papers dated September 13, 2001 (hereinafter "the Notice"). Also enclosed is Applicant's reply to the Notice, which includes seven (7) replacement drawing sheets.

37 CFR §1.137(b)(2):

Applicant submits herewith a "Payment by Credit Card" form (PTO-2038) in the amount of \$1,330.00 required under 37 CFR §1.17(m) as the fee for the present petition. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 50-0731.

37 CFR §1.137(b)(3):

The entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional for the following reasons:

The Notice was mailed by the PTO on September 13, 2001 to Applicant's previous attorneys of record. On November 19, 2003, Applicant transferred power of attorney to Applicant's present attorneys of record. Applicant's present attorneys of record were not aware of the existence of the Notice dated September 13, 2001. Further, on November 19, 2003, Applicant filed a Preliminary Amendment in the present application, which clearly indicates that Applicant had no intention of abandoning the patent application. On June 3, 2004, Applicant's present attorneys of record received a communication dated May 28, 2004 from the PTO indicating that the present application had been abandoned for failure to timely reply to the Notice dated September 13, 2001. By the PTO

communication dated May 28, 2004 and received on June 3, 2004, Applicant's present attorneys of record first became aware that a timely reply to the Notice dated September 13, 2001 had not been filed and, as a result, the present application had been abandoned.


In response to the PTO communication dated May 28, 2004 indicating that the present application had been abandoned for failure to timely reply to the Notice, Applicant's present attorneys of record have prepared the enclosed reply. Applicant's present attorneys of record have been diligent in preparing the enclosed reply to the Notice since first becoming aware through the PTO communication dated May 28, 2004 that a timely reply had not been filed.

Conclusion:

For the reasons stated above, Applicant respectfully requests that the present petition be granted and the present application be revived, and that the reply made to the Notice be entered in the present application.

Respectfully Submitted,
FARJAMI & FARJAMI LLP

Date: 6/17/04


Michael Farjami, Esq.
Reg. No. 38, 135

Michael Farjami, Esq.
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being filed by facsimile transmission to United States Patent and Trademark Office at facsimile number 703-872-9306 on the date stated below. The facsimile transmission report indicated that the facsimile transmission was successful.

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Name of Person Performing Facsimile Transmission

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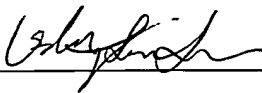
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Name of Person Mailing Paper and/or Fee

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Signature Date

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JUN 24 2004

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/922,536	08/03/2001	Kai Yang	0180229

25700
FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO, CA 92691



CONFIRMATION NO. 9021
ABANDONMENT/TERMINATION
LETTER



OC000000012808894

Date Mailed: 05/28/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/13/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

M. Young
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/922,536	08/03/2001	Kai Yang	F0949

Advanced Micro Devices, Inc.
Technology Law Dept.
One AMD Place, M/S 68
P.O. Box 3453
Sunnyvale, CA 94088-3453



CONFIRMATION NO. 9021

FORMALITIES LETTER



OC000000006549731

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JUN 24 2004

OFFICE OF PETITIONS Date Mailed: 09/13/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS***Filing Date Granted***

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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In re Application of:

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OFFICE OF PETITIONS

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is in response to the "Notice to File Corrected Application Papers" dated September 13, 2001 in the above-referenced patent application. Applicant has amended the margins of the drawings in the above-referenced application to meet the margin requirements of 37 CFR §1.84(g). Accordingly, please find enclosed seven (7) replacement drawing sheets, which include Figures 1a-1d, 2, 3, 4a, 4b, 5, 6a, and 6b. A copy of the "Notice to File Corrected Application Papers" dated September 13, 2001 is also enclosed.

Applicant respectfully requests an early examination of the present application.

Respectfully Submitted,
FARJAMI & FARJAMI LLP

Date: 6/17/04



Michael Farjami, Esq.
Reg. No. 38, 135

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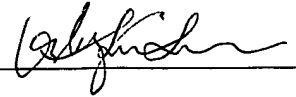
Date

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Name of Person Mailing Paper and/or Fee

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Signature Date